

United States Court of Appeals
For the Eighth Circuit

No. 13-2940

Kerry A. Gibson

Plaintiff - Appellant

v.

Social Security Administration; U.S. Department of Labor, OWCP; Gary A. Steinberg, U.S. Department of Labor, OWCP; Jo Anne B. Barnhart; Fred Heese, Director

Defendants - Appellees

Appeal from United States District Court
for the Eastern District of Missouri - St. Louis

Submitted: October 1, 2013
Filed: October 3, 2013
[Unpublished]

Before MURPHY, COLLOTON, and GRUENDER, Circuit Judges.

PER CURIAM.

Missouri resident Kerry Gibson appeals the district court's¹ pre-service dismissal without prejudice of his pro se action for lack of subject matter jurisdiction. Having carefully reviewed the record and considered Gibson's arguments for reversal, we agree with the district court's reasons for concluding that subject matter jurisdiction was lacking. See In Home Health, Inc. v. Shalala, 272 F.3d 554, 559 (8th Cir. 2001) (de novo review of subject matter jurisdiction based upon exhaustion of administrative remedies). The district court also did not err in denying Gibson's post-judgment motion. Accordingly, the judgment is affirmed. See 8th Cir. R. 47B.

¹The Honorable Henry E. Autrey, United States District Judge for the Eastern District of Missouri.